

ESHB 2097 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

NOT ADOPTED 04/11/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that Hood Canal
4 is a precious aquatic resource of our state. The legislature finds
5 that Hood Canal is a rich source of recreation, fishing, aquaculture,
6 and aesthetic enjoyment for the citizens of this state. The
7 legislature also finds that Hood Canal has great cultural significance
8 for the tribes in the Hood Canal area. The legislature therefore
9 recognizes Hood Canal's substantial environmental, cultural, economic,
10 recreational, and aesthetic importance to Washington.

11 (2) The legislature finds that Hood Canal is a marine water of the
12 state at significant risk. The legislature finds that Hood Canal has
13 a "dead zone" related to low-dissolved oxygen concentrations, a
14 condition that has recurred for many years. The legislature also finds
15 this problem and various contributors to the problem were documented in
16 the May 2004 *Preliminary Assessment and Corrective Action Plan*
17 published by the state Puget Sound action team and the Hood Canal
18 coordinating council.

19 (3) The legislature further finds that significant research,
20 monitoring, and study efforts are currently occurring regarding Hood
21 Canal's low-dissolved oxygen concentrations. The legislature
22 recognizes that federal, state, tribal, and local governments and other
23 organizations and entities are coordinating research, monitoring, and
24 modeling efforts through the Hood Canal low-dissolved oxygen program.
25 The legislature also recognizes that these entities and others are
26 continuing individual efforts to study and identify potential solutions
27 for Hood Canal's low-dissolved oxygen concentrations. The legislature
28 also recognizes numerous public, private, and community organizations
29 are working to provide public education regarding Hood Canal's low-

1 dissolved oxygen concentrations. The legislature recognizes and
2 encourages the continuation of these efforts.

3 (4) The legislature finds a need exists for the state to take
4 additional action to address and resolve Hood Canal's low-dissolved
5 oxygen concentrations. The legislature also finds a need exists to
6 designate the state and local entities to develop, coordinate, and
7 administer a Hood Canal rehabilitation program and funding.

8 NEW SECTION. **Sec. 2.** (1) The development of a program for
9 rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and
10 Mason counties within the aquatic rehabilitation zone one.

11 (2) The Puget Sound action team is designated as the state lead
12 agency for the rehabilitation program authorized in this section.

13 (3) The Hood Canal coordinating council is designated as the local
14 management board for the rehabilitation program authorized in this
15 section.

16 NEW SECTION. **Sec. 3.** (1) The Hood Canal coordinating council
17 shall serve as the local management board for aquatic rehabilitation
18 zone one. The local management board shall coordinate local government
19 efforts with respect to the program authorized according to section 2
20 of this act. In the Hood Canal area, the Hood Canal coordinating
21 council also shall:

- 22 (a) Serve as the lead entity and the regional recovery organization
- 23 for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and
- 24 (b) Assist in coordinating activities under chapter 90.82 RCW.

25 (2) When developing and implementing the program authorized in
26 section 2 of this act and when establishing funding criteria according
27 to subsection (7) of this section, the Puget Sound action team and the
28 local management board shall solicit participation by federal, tribal,
29 state, and local agencies and universities and nonprofit organizations
30 with expertise in areas related to program activities. The local
31 management board may include state and federal agency representatives,
32 or additional persons, as nonvoting management board members or may
33 receive technical assistance and advice from them in other venues. The
34 local management board also may appoint technical advisory committees
35 as needed.

1 (3) The local management board and the Puget Sound action team
2 shall participate in the development of the program authorized under
3 section 2 of this act.

4 (4) The local management board and its participating local and
5 tribal governments shall assess concepts for a regional governance
6 structure and shall submit a report regarding the findings and
7 recommendations to the appropriate committees of the legislature by
8 December 1, 2007.

9 (5) Any of the local management board's participating counties and
10 tribes, any federal, tribal, state, or local agencies, or any
11 universities or nonprofit organizations may continue individual efforts
12 and activities for rehabilitation of Hood Canal. Nothing in this
13 section limits the authority of units of local government to enter into
14 interlocal agreements under chapter 39.34 RCW or any other provision of
15 law.

16 (6) The local management board may not exercise authority over land
17 or water within the individual counties or otherwise preempt the
18 authority of any units of local government.

19 (7) The local management board and the Puget Sound action team each
20 may receive and disburse funding for projects, studies, and activities
21 related to Hood Canal's low-dissolved oxygen concentrations. The Puget
22 Sound action team and the local management board shall jointly
23 coordinate a process to prioritize projects, studies, and activities
24 for which the Puget Sound action team receives state funding
25 specifically allocated for Hood Canal corrective actions to implement
26 this section. The local management board and the Puget Sound action
27 team shall establish criteria for funding these projects, studies, and
28 activities based upon their likely value in addressing and resolving
29 Hood Canal's low-dissolved oxygen concentrations. The Puget Sound
30 action team shall make final approval and manage projects under this
31 section. Nothing in this section prohibits any federal, tribal, state,
32 or local agencies, universities, or nonprofit organizations from
33 receiving funding for specific projects that may assist in the
34 rehabilitation of Hood Canal.

35 (8) The local management board may hire and fire staff, including
36 an executive director, enter into contracts, accept grants and other
37 moneys, disburse funds, make recommendations to local governments about

1 potential regulations and the development of programs and incentives
2 upon request, pay all necessary expenses, and choose a fiduciary agent.

3 (9) The local management board shall report its progress on a
4 quarterly basis to the legislative bodies of the participating counties
5 and tribes and the participating state agencies. The local management
6 board also shall submit an annual report describing its efforts and
7 successes in implementing the program established according to section
8 2 of this act to the appropriate committees of the legislature.

9 NEW SECTION. **Sec. 4.** This act does not apply to forest practices
10 regulated under chapter 76.09 RCW.

11 NEW SECTION. **Sec. 5.** Nothing in this act provides any regulatory
12 authority to the Puget Sound action team or the Hood Canal coordinating
13 council.

14 NEW SECTION. **Sec. 6.** Sections 2 and 3 of this act are each added
15 to chapter 90.-- RCW (the new chapter created in Substitute House Bill
16 No. 2081).

17 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately."

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21 On page 1, line 2 of the title, after "rehabilitation;" strike the
22 remainder of the title and insert "adding new sections to chapter 90.--
23 RCW; creating new sections; and declaring an emergency."

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